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8                   UNITED STATES DISTRICT COURT  
9                   WESTERN DISTRICT OF WASHINGTON  
10                  AT TACOMA

11 ROBERT EARLE JOHNSON,

12                  Plaintiff,

13                  v.

14 RON VAN BOENING, *et al.*,

15                  Defendants.

16                  Case No. C08-5428FDB-KLS

17                  SECOND ORDER REGARDING  
18                  SERVICE OF AMENDED  
19                  COMPLAINT ON DEFENDANTS  
20                  JOHNSON, NGETE AND  
21                  NARANJO

22                  This matter comes before the Court on plaintiff's filing of a response (Dkt. #47) to the Court's order  
23 requiring him to provide service forms and copies of the amended complaint for service on defendants Herb  
24 Johnson, Lanette Ngete and Jolene Naranjo (Dkt. #42-2). After reviewing plaintiff's response and the record  
25 in this case, the Court hereby finds and orders as follows:

26                  On January 9, 2008, plaintiff filed an amended complaint (Dkt. #40), pursuant to the Court's order to  
27 show cause that he do so (Dkt. #38). In its first order regarding service on defendants Johnson, Ngete and  
28 Naranjo, the Court found that because service of the original complaint on those defendants was returned  
unexecuted on August 11, 2008, plaintiff needed to provide the Court with a sufficient number of service  
forms and copies of the amended complaint so that service could be attempted thereon. (Dkt. #42-2). As  
pointed out by plaintiff in his response and agreed with by defendants, however, the Court previously had

1 found those three defendants had waived service. See (Dkt. #26, 48).

2 Accordingly, due to this oversight by the Court, the requirement that plaintiff submit service forms  
3 and copies of the amended complaint for defendants Johnson, Ngete and Naranjo set forth the Court's prior  
4 order regarding service thereon (Dkt. #42-2) hereby is RESCINDED.

5 The Clerk is directed to send a copy of this Order to plaintiff.

6 DATED this 10th day of March, 2009.

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10 Karen L. Strombom  
11 United States Magistrate Judge  
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